

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

JOSIE BADGER and ALEXANDRA  
MARTINEZ, individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

SEARS HOLDINGS CORPORATION; SEARS,  
ROEBUCK & COMPANY; and, KMART  
HOLDING CORPORATION,

Defendants.

Case No. 2:17-cv-00613-RCM

Magistrate Judge Robert C. Mitchell

**STIPULATION OF DISMISSAL**

Plaintiffs, Josie Badger and Alexandra Martinez, and Defendants, Sears Holding Corporation, Sears, Roebuck & Company, and Kmart Holding Corporation, by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A) hereby stipulate and agree that the Court may dismiss this action *with prejudice*, with each party to bear its own attorneys' fees, costs, expert fees, and expenses, if any, incurred in connection with this action. No motion for class certification has been filed and no class has been certified in this action; therefore, class notice and court approval of this dismissal are not required under the Federal Rules.

In light of the foregoing, the parties respectfully request that the Court clear from its calendar the September 14, 2017 initial case management conference.

Dated: September 13, 2017

Respectfully submitted,

/s/ Benjamin J. Sweet

Benjamin J. Sweet  
Carlson Lynch Sweet Kilpela &  
Carpenter, LLC  
1133 Penn Avenue, 5<sup>th</sup> Floor  
Pittsburgh, PA 15222

/s/ Christopher K. Ramsey

Christopher K. Ramsey  
Morgan Lewis & Bockius, LLP  
301 Grant Street  
One Oxford Centre, Suite 3200  
Pittsburgh, PA 15219-6401  
Phone: (412) 560-3300

Phone: (412) 322-9243  
bsweet@carlsonlynch.com  
Attorney for Plaintiffs

christopher.ramsey@morganlewis.com  
Attorney for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record via the Court's electronic filing system on September 13, 2017.

/s/ Benjamin J. Sweet